

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL MISC. APPLICATION NO. 113 OF 2005

SHRI RAMESH LAXIMAN
NAGSHET, PRESENTLY IN JUDICIAL
CUSTODY AT JUDICIAL LOCK UP, MAPUSA
GOA

....Applicants

Versus

STATE OF GOA THROUGH THE PUBLIC
PROSECUTOR

....Respondents

Shri S.G. Bhobe, Advocate for the Applicant.

Shri S.N. Sardesai, P.P. for the State/Respondent.

Coram:- V.M. KANADE, J.

Date:- 13th July, 2005

P.C.:

Heard learned counsel for the Applicant and learned P.P. for the State.

The applicant was arrested on 7th May, 2005 by the Mapusa Police in connection with the offence punishable under Sections 376, 506(ii) of the Indian Penal Code and Section 8 of the Goa Childrens Act, 2003.

The prosecution case is that the Applicant was residing in a rented room and the prosecutrix was residing in the adjoining rented room. Applicant took the prosecutrix who is a minor girl of 13 years of age to his room and committed the said offence.

The learned P.P. has submitted that so far charge sheet is not filed though the investigation has been completed and the papers have been sent to the Director of Prosecution for obtaining his opinion.

From the papers, it can be seen that there are no injuries caused to the prosecutrix either on her person or on her private parts. In the affidavit which is filed by the respondent it is stated that the girl was of 13 years of age, according to the ossification test conducted by the Police.

In my view, since the investigation has been completed, this is a fit case for grant of bail. The Applicant, therefore, is directed to be released on bail in the sum of Rs.5000/- with one surety in the like amount before the Trial Court. The Applicant however shall furnish a local surety to the satisfaction of the trial Court and shall report to the Mapusa Police Station once a week. The Applicant shall give his local address to the Mapusa Police Station before he is released.

The application is allowed in the above terms.

Authenticated copy be issued to the party.

V.M. KANADE, J.